THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17277 of 1997

DATED: 28-2-2007

Between:

K.Kamalamma

… Petitioner.

And

The Managing Director,
APSRTC, Musheerabad,
Hyderabad.

And another.

… Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17277 of 1997

ORDER:

This writ petition is filed for appropriate directions to the respondents to appoint the petitioner as Sweeper on compassionate grounds in terms of Circular No.PD-1/94 dated 6.1.1994.

The petitioner's husband, an employee in Kadapa depot died on 12.5.1988 while in service. Though the petitioner made several representations starting from 12.12.1998, she was not provided with compassionate appointment envisaged in circular No.CC2/471/93-Dy.M(P) CC, dated 6.1.1994. The petitioner therefore approaches this Court by way of present writ petition.

Sri M.Narayana, Chief Law Officer, APSRTC, Musheerabad filed counter affidavit. Paras-3 and 4 of the counter affidavit are extracted as hereunder:

> " Adverting to the allegations made in paras-2 to 4 of the petitioner's affidavit, it is submitted that the petitioner's husband late K.Krishnaiah while working as driver in Cuddapah depot died on 12.5.1988. Consequent upon the sudden demise of the workman the amounts due under various schemes, i.e., GPF, EDLIF, SBT, Salary Bill, GPF final gratuity including additional monetary benefit in lieu of employment under Bread Winner scheme was paid to the petitioner in the year 1988 on different dates which are as follows:

S.No.	Name of Scheme	Amount Settled	DD/Cheque No. & Date	Date of Payment.
1.	GPF	Rs.21,013	045002, Dt. 21.9.1988	30.9.1988
	EDLIF	Rs.10,500	188125, Dt. 19.9.1988	30.9.1988
3.	SBT	Rs.21,860	0832565 Dt.19.9.88	30.9.1988
4.	Salary Bill	Rs.1,430	0786282, Dt.29.4.88	30.9.1988

5.	GPF Final	Rs.507	08504332, Dt.18.7.90	30.8.90
6.	Gratuity	Rs.10,822	767285, DT.1.8.88	8.8.1988
7.	Addl. Monetary Benefit Fund	Rs.23,658	293012, Dt.31.1.89	27.10.97

The petitioner having opted to receive Additional Monetary benefit Fund of Rs.23,658/- in lieu of appointment as early as on 31.7.1989 which was deposited in the credit society and have been receiving monthly interest of Rs.354/- till 31.8.1997 and finally withdrawn Rs.23,658/- on 27.10.1997 after maturity is estopped from raising a plea after 10 years that her plea was not considered for appointment under Bread Winner Scheme. The petitioner has no right or claim to ask for employment and accordingly her case could not be considered and as such there is no arbitrariness or illegality on the part of the Corporation."

In view of the submissions contained in the counter affidavit th petitioner opted to receive additional monetary benefit fund of Rs.23 and has in fact withdrawn on 27.10.1997, i.e., after filing of the writ pe and the further fact that this averment contained in the counter affidavit controverted by the petitioner by filing any reply affidavit, I see no reas grant any relief to the petitioner.

The writ petition is therefore, dismissed. No order as to costs.

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C.V.NAGARJUNA REDDY,J

Date:28.02.2007
mdaa